

CASE PROCESSING STANDARDS ANALYSIS FAMILY LAW - POST-JUDGMENT MOTIONS

National Center for State Courts Model Time Standards for Post-Judgment Motions:

98% within 180 days

Measurement: The date of filing a post-decree or post-judgment petition to the date of disposition by entry of judgment or order.

Arizona Family Law - Post-Judgment Motions

The following standard has been adopted for Family Law Post-Judgment Motion cases:

50% within 180 days

90% within 270 days

98% within 365 days

Measurement: The date of filing a post-decree or post-judgment petition to the date of disposition by entry of judgment or order.

Excluded Time: The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: pending juvenile cases and stays granted pursuant to the Servicemembers Civil Relief Act.

| Arizona Rules and Statutes | Timelines under Statute and Rule |
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| Petition Filed: Rule 91.1, ARFLP ¹ Rule 91.2, ARFLP Rule 91.3, ARFLP Rule 91.4, ARFLP Rule 91.5, ARFLP Rule 91.6, ARFLP Rule 91(D), ARFLP | <p style="text-align: center;">(Measurement Starts Here)</p> Petition for Modification of Spousal Maintenance or Child Support Petition for Enforcement of Spousal Maintenance or Child Support Petition to Modify Legal Decision-Making or Parenting Time Petition to Relocate or Prevent Relocation Petition for Enforcement of Legal-Decision Making or Parenting Time; Warrant to Take Physical Custody Other Post-Decree and Post-Judgment Petitions <u>Petition to Modify or Enforce a Judgment:</u> After filing the petition, the applicant must submit to the assigned judicial officer two copies of an order to appear, and a copy of the petition showing the court's filing stamp. Upon receipt of the petition and proposed Order to Appear, the court must review the petition and (a) reject the petition for failure to state grounds upon which relief can be granted, or (b) issue the Order to Appear. If the court rejects the petition, the court must provide the applicant with an explanation of the deficiency and provide an opportunity to correct the deficiency within 30 days after the date of the rejection notice. If the court issues the Order to Appear, it must set a resolution management conference or evidentiary hearing, as appropriate. |

¹ Arizona Rules of Family Law Procedure

| Arizona Rules and Statutes | Timelines under Statute and Rule |
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| <p>Service of Process and Response: Rule 91(j), ARFLP</p> <p>Rule 91(k), ARFLP</p> <p>Rule 40(f)(1), ARFLP</p> <p>Rule 91(l), ARFLP</p> | <p><u>Time for Service:</u> The applicant must serve the petition, and every order, warrant, and affidavit in support of the petition, on all other parties in the manner required under Rules 40(f)(1) or 41, as applicable. The applicant must make good faith efforts to complete service promptly and within 10 days after the receipt of the issued order to appear but must complete service in no event later than 20 days before the hearing.</p> <p><u>Dismissal for Lack of Prosecution:</u> The court may dismiss a post-judgment petition if (a) a petition to enforce or modify a judgment is filed but not presented to the assigned division with a proposed order to appear within 30 days after filing; (b) the applicant fails to accomplish service before the conference or hearing as provided in this rule and the date to accomplish service is not extended; or (c) the applicant fails to appear at the conference or hearing. The court may extend the deadlines in this rule for good cause.</p> <p><u>Service; Acceptance or Waiver; Voluntary Appearance:</u> A party may accept service. The acceptance of service must be in writing, signed by that party or that party's authorized agent or attorney, and be filed in the action.</p> <p><u>Responses; Time for Response:</u> Unless a statute or rule requires otherwise, a party served with a petition may, but is not required to, file a response to the petition. However, if a party chooses to respond or when rules specifically require a response, the responding party must file and provide a copy of the response to the applicant or, if represented, the applicant's attorney. Unless the court orders otherwise, the response must be filed at least 3 days before the scheduled conference or hearing.</p> |
| <p>Servicemember protections: 50 USC § 3931</p> <p>50 USC § 3932</p> | <p><u>Protection of servicemembers against default judgments:</u> This provision applies to any civil action or proceeding, including any child custody proceeding, in which the defendant (respondent) does not make an appearance. The court must grant a stay of proceedings for a minimum period of 90 days upon application of counsel, or on the court's own motion, if the court determines that: 1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant (respondent), and 2) after due diligence, counsel has been unable to contact the defendant (respondent) or otherwise determine if a meritorious defense exists.</p> <p><u>Stay of proceedings when servicemember has notice:</u> This provision applies to any civil action or proceeding, including any child custody proceeding, in which the plaintiff or defendant (respondent) at</p> |

| Arizona Rules and Statutes | Timelines under Statute and Rule |
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| Discovery and Disclosure: Rule 91(m), ARFLP Rule 49, ARFLP | <u>Disclosure:</u> Each party must comply with Rule 49 within the time established by the court at the conference or hearing or as agreed by the parties. |
| Mediation: Rule 91(O), ARFLP | The court may require, by local rule, or on the court's own initiative, that the parties submit to mediation before the court will hold an evidentiary hearing on any legal decision-making or parenting time issues. (Measurement Stops When Judgment or Order is Entered) |